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By: Jon C. Gealow

Signature: Jon C. GealowDate of Signature: 7/25/2003#7/K.T.  
7/31  
ELECT.PATENT  
FRE-P-01IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	A METHOD FOR ANALYSIS OF
	:	BIOLOGICAL SYSTEMS
David Smith and Roger Smith	:	
	:	Group Art Unit: 1631
Serial No: 09/744,291	:	
	:	
Filed: April 4, 2001	:	Examiner: Mary K. Zeman

## RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In an **Office Action**, mailed May 27, 2003, the Examiner sets forth that this application contains two inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. More particularly, the Examiner has grouped the claims as follows:

Group I, claims 1 to 6, 8 to 13, and 15 to 20.

Group II, claims 7, 14, and 21,

and has made an election requirement.

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The applicants respectfully traverse the Examiner's election requirement. The Examiner refers to the PCT rules. However, no "Lack of Unity" objection was raised by the International Authority as part of the International Search Report or of the International Preliminary Examination Report.

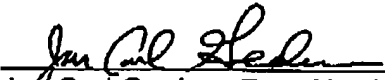
Furthermore, it is respectfully submitted that claims 7, 14, and 21 of Group II do share, for example, specific method steps with the claims of Group I. The preamble of a claim does not in itself form a sufficient basis for determination of unity of invention. Rather, as correctly recited by the Examiner, the "special technical features" of method claims are the steps listed therein. Thus, as long as the claims share common inventive steps, which it is respectfully submit is the case in the current application, the fact that they may also contain different steps is not relevant to determination of "Lack of Unity".

Finally, the Examiner has referred to the search and examination reports of the corresponding PCT application in stating that claim 1 is not novel over the art, and is thus not a special technical feature. It is respectfully submitted that the International Preliminary Examination Report dated June 26, 2000 indicates that all of the claims are novel and inventive. As such, in the absence of an Office Action on the merits, taking into consideration the publications referred to by the Examiner, it is respectfully submitted that the features of current claim 1 do act as special technical features which form a proper basis for unity of invention for all of the claims. A copy of the International Preliminary Examination Report is enclosed.

For the above-mentioned reasons reconsideration and withdrawal of the election/restriction requirement is respectfully requested.

In the event that the election/restriction requirement is not withdrawn, applicants elect the claims of Group I for continued examination in this application. Applicants reserve the right to file a continuation application for the non-elected claims.

Respectfully submitted,

  
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July 25, 2003

FRE-P01.AM1